

Notice of Allowability

Application No.

10/651,694

Applicant(s)

SOCKMAN ET AL.

Examiner

Art Unit

Laura Edwards

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed as of 11/22/06.
2. ☒ The allowed claim(s) is/are 1-4,6-35,65,67,69 and 71-117.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


LAURA EDWARDS
PRIMARY EXAMINER

Art Unit: 1734

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with J. Jason Link on 2/20/07.

The application has been amended as follows:

In the abstract:

In line 4, "a gentle means to transfer" has been changed to --a gentle transfer of--.

In the claims:

In claim 6, line 1, "second container" has been changed to --at least one protrusion--.

In claim 29, line 1, --wherein the at least one wheel comprises a first wheel and-- has been inserted in front of "further".

In claim 71, line 1, "second container" has been changed to --at least one protrusion--.

The following is an examiner's statement of reasons for allowance:

Claims 1-4, 6-35, 65, 67, 69, and 71-84 would be allowable because there is no teaching or suggestion in the prior of an apparatus for applying coating to a food product comprising the combination of a first container for storing the coating; a second container for holding at least a portion of the coating prior to deposition of the coating on the food product and comprising at least one protrusion; and at least one wheel comprising at least two coaxial disks, wherein the two disks are spaced apart to form an inner space, and wherein the two outer faces of each disk

Art Unit: 1734

comprise at least a portion of the outer surface of the wheel, and wherein at least a portion of the wheel is positioned in the first container and at least a portion of the wheel is positioned proximate at least a portion of the second container such that upon rotation of the wheel, the wheel transfers coating from the first container to the second container wherein the protrusion removes coating from the wheel and delivers the coating to the second container.

Claims 85-95 would be allowable because there is no teaching or suggestion in the prior of an apparatus for applying coating to a food product comprising the combination of a first container for storing the coating; a second container for holding at least a portion of the coating prior to deposition of the coating on the food product and comprising at least two slots; and at least one wheel comprising at least two coaxial disks, wherein the two disks are spaced apart to form an inner space, and wherein the two outer faces of each disk comprise at least a portion of the outer surface of the wheel, and wherein at least a portion of the wheel is positioned in the first container and at least a portion of the wheel is positioned proximate at least a portion of the second container such that upon rotation of the wheel, a first coaxial disk rotates through a first slot in the second container, a second coaxial disk rotates through a second slot in the second container, and coating from the first container is removed from the outer surfaces of both disks and the inner space between the disks and is deposited in the second container.

Claims 96-104 would be allowable because there is no teaching or suggestion in the prior of an apparatus for applying coating to a food product comprising the combination of a first container for storing the coating; a water jacket surrounding at least a portion of the first container; a second container for holding at least a portion of the coating prior to deposition of the coating on the food product; and at least one wheel comprising at least two coaxial disks,

Art Unit: 1734

wherein the two disks are spaced apart to form an inner space, and wherein the two outer faces of each disk comprise at least a portion of the outer surface of the wheel, and wherein at least a portion of the wheel is positioned in the first container and at least a portion of the wheel is positioned proximate at least a portion of the second container such that upon rotation of the wheel, the wheel transfers coating from the first container to the second container.

Claims 105-117 would be allowable because there is no teaching or suggestion in the prior of an apparatus for applying coating to a food product comprising the combination of a first container for storing the coating; a second container for holding at least a portion of the coating prior to deposition of the coating on the food product; a first wheel comprising at least two coaxial disks, wherein the two disks are spaced apart to form an inner space, and wherein the two outer faces of each disk comprise at least a portion of the outer surface of the first wheel, and wherein at least a portion of the first wheel is positioned in the first container and at least a portion of the first wheel is positioned proximate at least a portion of the second container such that upon rotation of the second wheel, the second wheel transfers coating from the first container to the second container; and a second wheel comprising at least two coaxial disks, wherein the two disks are spaced apart to form an inner space, and wherein the two outer faces of each disk comprise at least a portion of the outer surface of the second wheel, and wherein at least a portion of the second wheel is positioned in the first container and at least a portion of the second wheel is positioned proximate at least a portion of the second container such that upon rotation of the second wheel, the second wheel transfers coating from the first container to the second container.


Art Unit: 1734

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura Edwards whose telephone number is (571) 272-1227. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Laura Edwards
Primary Examiner
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5/20/07